

REMARKS/ARGUMENTS

Favorable reconsideration of this application as currently amended and in light of the following discussion is respectfully requested.

Claims 1-3 and 19-21 have been amended. With entry of this amendment, Claims 1-3 and 19-21 would be pending.

Applicants respectfully request that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing Claims 1-3 and 19-21 in condition for allowance.

Applicants submits that the amendments to Claims 1-3 and 19-21 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined.

Furthermore, Applicants respectfully point out that the Final Official Action presented some new arguments as to the application of the art against Applicants' invention. It is respectfully submitted that the entering of this Amendment would allow Applicants to reply to the final rejections. To this end, Applicants submit that the entry of this Amendment would place the application in better form for appeal, should the patentability of the pending claims be denied based on the art now of record. No new matter is added.

The Final Official Action rejects Claim 1 under 35 U.S.C. § 112, second paragraph, as indefinite; and rejects Claims 1-3 and 19-21 under 35 U.S.C. § 102(e) as anticipated by Wiser et al (U.S. Pat. No. 6,330,675, hereinafter "Wiser").

Applicants respectfully traverse the rejection of Claim 1 under 35 U.S.C. § 112, second paragraph, for the following reasons.

The Final Official Action asserts that Applicants failed to respond to the rejection under 35 U.S.C. § 112, second paragraph.¹ The Final Official Action further asserts that “applicant fails to define what comprises the metes and bounds of the limitation ‘using condition information stating use condition of each content data.’”² Applicants respectfully disagree.

In response to the § 112, second paragraph, rejection made in the August 5, 2003 Official Action, Applicants did amend Claim 1 consistent with 35 U.S.C. § 112, second paragraph, in the response filed on December 5, 2003. In more detail, the recitation in Claim 1, “using condition information stating use condition of each contents data” had been replaced by “using condition information corresponding to the content data, said using condition information is indicative of usage rules of the content data.” It is respectfully submitted that the specification provides adequate support, explaining “using condition information indicative of usage rules of the content data,” *inter alia*, at page 54, line 1–page 63, line 17. For example, using condition information may include rules on “reproduction (play), duplication (copy), pay for play (pay-for-play), pay for duplication (pay-for copy), pay for album play (pay-for-album-play), pay for album duplication (pay-for-album-copy), possible use start date (from), use end date (to).”³ Accordingly, Applicants submit that the metes and bounds of the claimed invention in Claim 1 are clear to a person possessing the ordinary level of skill in the pertinent art. Thus, Applicants respectfully request that the rejection Claim 1 under 35 under U.S.C. § 112, second paragraph, be withdrawn.

Applicants respectfully traverse the rejection of Claims 1-3 and 19-21 under 35 U.S.C. § 102(e) for the following reasons.

¹ See Final Official Action, page 4.

² *Id.*

³ Page 59, lines 5-8 of the specification.

Claim 1 as amended recites a control apparatus for managing one or more contents data in accordance with using condition information corresponding to the content data, said using condition information is indicative of usage rules of the content data said apparatus comprising, *inter alia*, means for converting a first format of the using condition information into a second format, said second format being different from the first format.

The Final Official Action asserts that “referring to Fig. 2, (232) data transform components and (210), (214), Wiser does teach the method of converting the data by encrypting and decrypting that digital data which means the step of converting from first to second format is taught by the reference.” Applicants respectfully disagree.

In Wiser, two decryption engines are used.⁴ “The first decryption engine incrementally decrypts the encrypted digital file, which is then preprocessed and re-encrypted to form an intermediate file. The second decryption engine then incrementally decrypts the intermediate file and writes the decrypted results to a local recordable storage medium.”⁵

Wiser does not disclose or suggest means for converting a first format of the using condition information into a second format of the using condition information, the second format being different from the first format, as recited in amended Claim 1. It appears as though the Final Official Action is construing the claim language “format” such that “the format of using condition information” of Applicants’ claims would include the format of the data encryption system. To clarify a difference between the claimed invention and Wiser, Claim 1 has been amended. Furthermore, the specification clearly distinguishes the format of using condition information from the format of the contents data encryption system.⁶ Moreover, Fig. 9A provides an example of a format of using condition information, and this

⁴ See Abstract of Wiser.

⁵ Id.

⁶ See, e.g., page 5, line 14 – page 6, line 4, page 6 and page 6, line 9 – page 6, line 19.

example clearly distinguishes the format of using condition information from the format of the contents data encryption system. "Meaning of words used in a claim [should be construed] in the context of the specification and drawings."⁷ Accordingly, Applicants respectfully submit that Wiser does not disclose or suggest means for converting a first format of using condition information into a second format of using condition information, the second format being different from the first format, as recited in Claim 1 as amended.

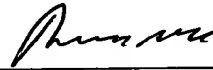
In view of the failure of Wiser to disclose or suggest all features of Claim 1 as amended, Applicants submit that Claim 1 is patentable and the rejection of Claim 1 under 35 U.S.C. § 102(e) should be withdrawn. Independent Claims 2, 3, and 19-21 as amended, although of different scope and/or statutory class, include recitations similar to those in Claim 1 discussed above. Thus, Applicants respectfully request that the rejection of Claims 2, 3, and 19-21 be withdrawn as well.

⁷ Id.

Consequently, in view of the present amendment and light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-3 and 19-21 as amended, is definite and patentable defines over the asserted prior art. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of this application is therefore requested.

Respectfully submitted,

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